WP(C) 2685/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Heard Ms D. Sinha, learned counsel for the petitioner. Also heard Mr Roy , learned State counsel for the official respondents.
For the order which I propose to pass, I do not consider it necessary to issue n otices to the private respondents.
The petitioner's averment is that his father Sabu Ram Das (since deceased) wa s allotted a plot of land measuring 25 bighas of land covered by Dag Nos .295, 2 96,297,289 of Gharamurah village by the Divisional Forest Officer, Cachar Divis ion, Silchar vide letter dated 20.4.1974. The petitioner as the heir and legal r epresentative of the said allottee has been in possession of 5 bighas of land f or agricultural purpose and half bigha for homestead since last 35 years. The p etitioner has alleged that the respondent Nos 6 to 8 in collusion have been try ing to encroach upon the said land and dispossess him therefrom. They had earli er tried to harvest the Sali paddy grown by him thereon. The petitioner assert s that he has been paying the land revenue for the land in his occupation. In su pport of the above, the petitioner has annexed the office letter dated

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20.4.74 and the certificate dated 12.4.1990 of the Beat Forest Officer, Gharamu ra Beat,Gharamura.
The learned counsel for the petitioner has urged that in the above factual prem ise an appropriate direction ought to be issued to the respondents to ensure that his(petitioner) possession is not disturbed by the respondent Nos 6 to 8 an d that they be prevented from resorting to the unwarranted illegal activities a s mentioned.
Mr Roy submits in reply that as the petitioner has no right to occupy the land w hich is admittedly of the Forest department, no such direction is called for.
The sworn statements made in the petition along with the documents annexed there to prima facie indicate that the land in occupation of the petitioner forms a part of the plot allotted to his father by the Forest department on 20.4.1974. It is ,however, not clear as to whether the allotment subsists as on date or not . The certificate dated 12.4.1990 reinforces the petitioner's version of paymen t of revenue for the land in his occupation.
In the above view of the matter, this petition stands closed with a direction to the Respondent Nos 1 to 5 and more particularly, the Chief Conservator of Fores ts, Assam, Guwahati to cause necessary steps to be taken to enquire into the al legations made by the petitioner pertaining to threats by the respondent Nos 6 to 8 to disposses him forcibly from the land in his occupation and take an app ropriate decision in this regard. In doing so, the said authority would also asc ertain as to whether the

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petitioner as on date is in occupation of the aforementioned land as claimed by him in terms of the
allotment made in his favour . If the enquiry reveals a prima facie right of the petitioner to occupy the land in question, the said authority would ensure tha t his possession thereof is not disturbed except in accordance with the procedu re prescribed by law.
The petition stands closed in the above terms. No costs.